

AMENDED IN ASSEMBLY JULY 16, 2001

AMENDED IN ASSEMBLY JUNE 28, 2001

CALIFORNIA LEGISLATURE—2001–02 SECOND EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 5

Introduced by Assembly Members Kelley and Reyes
*(Coauthors: Assembly Members Alquist, Ashburn, Bates,
Maldonado, and Zettel)*

May 15, 2001

An act to add Section 739.9 to the Public Utilities Code, relating to public utilities, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 5, as amended, Kelley. Rates: baseline quantities.

(1) The Public Utilities Act requires the Public Utilities Commission to designate a baseline quantity of gas and electricity necessary to supply a significant portion of the reasonable energy needs of the average residential customer, as prescribed, and requires the commission to also take into account differentials in energy use by climatic zone and season. The act requires the commission to require that every electrical and gas corporation file a schedule of rates and charges providing baseline rates.

This bill would require the commission to recalculate the summer baseline quantity of electricity for all climatic zones in the state based on 70% of the average usage for each of these zones for the months of April to September, inclusive, using 5 years of historical data, including the latest available usage for 2001. The bill would require the

commission to adjust the baseline quantities for these areas not later than 30 days from the effective date of this section. The bill would prohibit the commission from adjusting any baseline quantity downward for winter or summer months for any climatic zone in the state prior to July 1, 2003. Because a violation of a rule or order of the commission is a crime under existing provisions of law, the bill would impose a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 739.9 is added to the Public Utilities
2 Code, to read:

3 739.9. (a) The commission shall recalculate the summer
4 baseline quantity of electricity for all climatic zones in the state
5 based on 70 percent of the average usage for each of these zones
6 for the months of April to September, inclusive, using five years
7 of historical data, including the latest available usage for 2001.
8 Average quantities of usage shall include *the* use of
9 air-conditioning. The commission shall adjust the baseline
10 quantities for these areas not later than 30 days from the effective
11 date of this section.

12 (b) The commission may not adjust any baseline quantity
13 downward for winter or summer months for any climatic zone in
14 the state prior to July 1, 2003.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty
20 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

4 SEC. 3. This act is an urgency statute necessary for the
5 immediate preservation of the public peace, health, or safety
6 within the meaning of Article IV of the Constitution and shall go
7 into immediate effect. The facts constituting the necessity are:

8 In order to alleviate the current energy crisis, it is necessary that
9 this act take effect immediately.

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